

## Message Text

UNCLASSIFIED

PAGE 01 USUN N 02754 020010Z

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ACTION IO-14

INFO OCT-01 ADP-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10 RSC-01

CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-10

PA-03 PRS-01 SS-15 USIA-15 SY-10 USSS-00 EB-11 DOTE-00

FAA-00 CAB-09 JUSE-00 COME-00 AID-20 TRSE-00 SCA-01

OMB-01 M-03 A-01 RSR-01 /212 W  
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R 012344Z AUG 73

FM USMISSION USUN NY

TO SECSTATE WASHDC 8940

UNCLAS USUN 2754

E.O. 11652: N/A

TAGS: PINS UN

SUBJ: AD HOC COMITE ON INTERNATIONAL TERRORISM - SUB-COMITE  
TO STUDY DEFINITION OF INTERNATIONAL TERRORISM

1. BOYD BEGAN FIRST MEETING OF SUBJECT SUB-COMITE NOTING THAT WHILE NO SPEAKERS WISHED TO TAKE FLOOR, THERE NOW SEEMED A SPIRIT OF OPTIMISM ABOUT WORK OF COMITE. WITH THREAT OF MEETING ADJOURNING INTO REGIONAL GROUPS TO CONSIDER THEIR VIEWS, FRANCE TOOK FLOOR.

2. FRENCH REP NOTED IMPORTANCE OF DEFINITION. HE CITED ACTS WHICH MIGHT BE COVERED AND SUGGESTED COMMON DENOMINATOR: ACTS CONDEMNED BY CONSCIENCE OF MANKIND - WHICH EVERYONE CONSIDERS INADMISSIBLE. SOME ACTS ALREADY SO CONSIDERED; HE DREW ANALOGY TO LAWS OF WAR (GRAVE BREACHES). HE ARGUED FOR EXCLUDING CONVENTIONAL CRIME: COMITE SHOULD DEAL WITH "POLITICAL" TERRORISM; "COMMON LAW TERRORISM" NO PROBLEM FOR IT IS DEALT WITH BY CRIMINAL LAW AND EXTRADITION TREATIES. THUS HE SAID ONE MUST BRING TO BEAR CONCEPT OF PRESSURE EXERTED WITH REGARD TO A CONFLICT. NOR SHOULD CONFLICT BE PURELY DOMESTIC. "ODIOUS BARBARITY" AS DEFINITION OF ACT OF TERRORISM DERIVES,  
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PAGE 02 USUN N 02754 020010Z

HE SAID, FROM FRENCH LAW. WHILE ADMITTING THAT THIS CONCEPT

IS AMBIGUOUS, LITTLE USED, AND NOT DEFINED, HE SAID THIS NO OBSTACLE TO USING IT AS INTERNATIONAL CONVENTIONS MUST BE APPLIED IN GOOD FAITH. FRENCH NOT TRYING TO DETERMINE INTERNAL LAW OF OTHER STATES AS TERRORIST ACTS ALREADY COVERED INTERNALLY IN ALL STATES. HE THEREFORE SAID THERE NO NEED FOR OTHER STATES TO ENACT "ODIOUS BARBARITY." RATHER, NEED IS TO FILL GAPS IN THEIR OWN SYSTEMS. HE SAID INTERNATIONAL ELEMENT SHOULD BE MADE EXTREMELY PRECISE. FRENCH REP SUBMITTED FOLLOWING PROPOSAL: "AN ACT OF ODIOUS BARBARITY PERPETRATED IN THE TERRITORY OF A THIRD STATE BY A FOREIGNER AGAINST A PERSON NOT HAVING THE NATIONALITY OF THE PERPETRATOR FOR THE PURPOSE OF APPLYING PRESSURE IN A CONFLICT WHICH IS NOT STRICTLY OF A DOMESTIC NATURE."

3. NIGERIAN REP MADE FOLLOWING POINTS: (A) ISSUE MUST BE SEEN IN PERSPECTIVE LEST IT LIMIT A MEANS OF IMPLEMENTING CHARTER PRINCIPLES; (B) TERRORISM AGAINST INNOCENT PERSONS FOR PERSONAL GAIN OR MOTIVE INDEFENSIBLE; (C) ACTS OF REPRESSION BY SOUTHERN AFRICAN REGIMES HAVE REQUIRED ADOPTION OF VIOLENT METHODS; (D) SUCH VIOLENCE NOT SAME AS THAT OF COMMON CRIMINAL; (E) MUST CONDEMN THOSE WHO USE WORST FORM OF TERROR; (F) PEOPLE STRUGGLING FOR LIBERATION HAVE RIGHT TO USE ALL METHODS, INCLUDING FORCE. HE ARGUED AGAINST LEAVING ROAD OPEN FOR REACTIONARY REGIMES TO EMPLOY FORCE UNDER GUISE OF COMBATING TERRORISM. HE CAUTIONED AGAINST GETTING BOGGED DOWN IN LEGALISTIC EXERCISE, SUCH AS AGGRESSION. HE SUGGESTED FINDING COMMON ELEMENTS IN SUCH ACTS AS MASSACRE BY PORTUGAL IN MOZAMBIQUE, SHOOTING IN HOTEL LOBBY, KIDNAPPING DIPLOMATS, HIJACKING. HE SAID THESE DO NOT INCLUDE ACTS OF THOSE STRUGGLING FOR LIBERATION "WITHIN THEIR OWN TERRITORY."

4. DURING AFTERNOON MEETING, SWEDISH REP WELCOMED DECISION TO DISCUSS DEFINITION IN ORDER BETTER TO DELIMIT SCOPE OF COMITE'S WORK. HE ANALYZED UNGA RES 3034 IN DETAIL IN ORDER TO GLEAN FROM IT CONCEPT OF TERRORISM UNDERSTOOD BY GA. HE SUGGESTED THAT IT CLEAR FROM THIS RES THAT ACTS ARE THOSE WHICH ENDANGER INNOCENT CIVILIANS OR FUNDAMENTAL FREEDOMS, THAT MILITARY ACTIVITY OUTSIDE SCOPE, AND THAT RES HAD NOT INTENDED TO TALK OF GOVERNMENTAL ACTIVITY. ON LATTER POINT, HE SAID THIS WOULD OF COURSE NOT PREVENT COMITE FROM DEALING WITH GOVERNMENTAL ACTS.

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PAGE 03 USUN N 02754 020010Z

WHEN HE CONSIDERED ASPECT OF UNGA RES 3034 DEALING WITH MEASURES, ALGERIAN REP OBJECTED ON POINT OF ORDER THAT SUB-COMITE ON DEFINITION COULD NOT CONSIDER MEASURES. CHAIR TOLD SWEDISH REP TO GO ON AND SWEDISH REP EXPLAINED THAT HE HAD MENTIONED MEASURES ONLY TO ELUCIDATE MEANING OF TERRORISM UNDERSTOOD BY GA. HE WENT ON THAT BECAUSE OF CITATION OF CONVENTIONS ON SAFETY OF CIVIL AVIATION, IT CLEAR THAT HIJACKING FALLS WITHIN TERRORISM AND IS IN MANDATE OF COMITE. HE SAID THAT ACTIONS OF PORTUGAL IN

MOZAMBIQUE REQUIRED THAT COMITE STUDY WHETHER THIS SHOULD BE INCLUDED AS TERRORISM. HE NOTED OTHER UN ORGANS DEALING WITH RELATED PROBLEMS, CITING UNGA RES 3032 ON HUMAN RIGHTS AND ARMED CONFLICTS. TO AVOID DUPLICATION, HE ASKED SECRETARIAT TO DO SURVEY ON WHAT WORK BEING DONE IN UN RELATING TO ACTS OF VIOLENCE THAT ENDANGER INNOCENT CIVILIANS OR FUNDAMENTAL FREEDOMS.

5. CHAIR IMMEDIATELY BANGED GAVEL AND SAID SWEDISH PROPOSAL ADOPTED WITHOUT OBJECTION. US REP SAID WE ASSUMED THIS COULD BE DONE WITHIN EXISTING BUDGET. (SEE SEPTTEL FOR DETAILS SWEDISH PROPOSAL.)  
BENNETT

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 01 AUG 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 JAN 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1973USUNN02754  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** n/a  
**From:** USUN NEW YORK  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1973/newtext/t19730863/aaaabuot.tel  
**Line Count:** 128  
**Locator:** TEXT ON-LINE  
**Office:** ACTION IO  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:**  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** willialc  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 13 SEP 2001  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <13-Sep-2001 by reddocgw>; APPROVED <22-Oct-2001 by willialc>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** AD HOC COMITE ON INTERNATIONAL TERRORISM - SUB-COMITE TO STUDY DEFINITION OF INTERNATIONAL TERRORISM  
**TAGS:** PINS, UN  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005